

“(1) shall for each fiscal year submit a performance and accountability report under subsection (a) that incorporates the program performance report under section 1116 of this title for the Department of Homeland Security; and

“(2) shall include in each performance and accountability report an audit opinion of the Department’s internal controls over its financial reporting.”.

(b) **IMPLEMENTATION OF AUDIT OPINION REQUIREMENT.**—The Secretary of Homeland Security shall include audit opinions in performance and accountability reports under section 3516(f) of title 31, United States Code, as amended by subsection (a), only for fiscal years after fiscal year 2004.

(c) **ASSERTION OF INTERNAL CONTROLS.**—The Secretary of Homeland Security shall include in the performance and accountability report for fiscal year 2004 submitted by the Secretary under section 3516(f) of title 31, United States Code, an assertion of the internal controls that apply to financial reporting by the Department of Homeland Security.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as are necessary to carry out this Act.

Mr. FRIST. I ask unanimous consent the committee substitute be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1567), as amended, was read the third time and passed.

UNANIMOUS CONSENT AGREEMENT—S. 1248

Mr. FRIST. I ask unanimous consent that at a time to be determined by the majority leader in consultation with the minority leader, the Senate proceed to consideration of Calendar No. 362, S. 1248, the IDEA Act Reauthorization bill, and that it be considered under the following limitations: That the following amendments be the only first-degree amendments in order, other than the committee-reported substitute amendment, and that any second-degree amendments be relevant to the first-degree amendment to which they are offered: Gregg or his designee, IDEA attorney’s fees; Gregg or his designee, IDEA funding; Gregg or his designee, IDEA paperwork reduction; Gregg or his designee, IDEA relevant; Harkin, IDEA funding; Murray, IDEA for the homeless; Clinton, coordinating data on developmental disabilities; Kennedy or his designee, IDEA relevant; Gregg-Kennedy, managers’ amendment.

I further ask that upon disposition of all amendments, the committee substitute as amended be agreed to, the bill as amended be read a third time, and the HELP Committee be discharged from further consideration of H.R. 1350, the House companion bill, and the Senate then proceed to its immediate consideration; provided further that all after the enacting clause

be stricken, and the text of S. 1248, as amended, be inserted in lieu thereafter, the bill, as amended, be read a third time and the Senate proceed to a vote on passage, without any intervening action or debate, and following the vote the motion to reconsider be laid upon the table. I further ask that after the vote on passage, S. 1248 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHIEF JUSTICE JOHN MARSHALL COMMEMORATIVE COIN ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1531 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 1531) to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I rise today in strong support of S. 1531, the Chief Justice John Marshall Commemorative Coin Act. I am the sponsor of this significant legislation and I believe its passage is indeed a tribute to the most important Chief Justice to serve on the Supreme Court of the United States since our nation’s founding.

John Marshall served as the fourth Chief Justice of the Supreme Court for over 34 years. He is the longest serving Chief Justice in our Nation’s history. Throughout his years on the Supreme Court, he authored over 500 opinions, many of which significantly impacted the operations and interpretations of the Constitution. He was a distinguished leader who made a lasting impression on the Supreme Court.

For example, probably Marshall’s most famous opinion, *Marbury v. Madison*, instilled in the Supreme Court the authority to review the constitutionality of congressional acts and instituted the doctrine of judicial review. Without judicial review, the Supreme Court and the lower courts of our great nation would not have the ability to uphold and sustain the Constitution and stop any unauthorized intrusion into the sacred freedoms that great document protects.

The Marshall Court decided numerous landmark and historically significant cases that have forever fashioned the Nation’s constitutional law and history—including *McCullough v. Maryland*, *Cohens v. Virginia*, *Stuart v. Laird*, *Dartmouth College v. Woodward*, and *Gibbons v. Ogden*, just to name a few. These cases are still cited today by our Federal courts and State courts as impressive precedents important to recognize that establish significant legal doctrines and relevant constitutional interpretations.

Chief Justice Marshall is not only the longest serving Chief Justice in the history of the United States, but he has authored more opinions for the Court than any other Chief Justice in the Supreme Court’s history. That impressive record remains in place today.

It is noteworthy to recognize that Chief Justice Marshall also introduced and implemented the practice of allowing one justice to speak for the Court while having the remaining justices either sign on to that opinion or issue their own concurring or dissenting opinion. Prior to Chief Justice Marshall’s tenure, Justices usually wrote their own opinions and a party in a case had to thoroughly study the particular nuances in each individual Justice’s opinion in order to discover which side prevailed.

Chief Justice Marshall was also a Revolutionary War veteran, Envoy Extraordinary and Minister Plenipotentiary to France, Member of the United States House of Representatives, and Secretary of State under President John Adams.

I believe minting a coin is a fitting honor for the Great Chief Justice. This coin will commemorate the 250th anniversary of the birth of Chief Justice Marshall, which will take place in the year 2005.

This legislation will allow the Supreme Court Historical Society to receive the necessary revenue it needs for worthwhile endeavors. The Supreme Court Historical Society is an established national organization whose programs and endeavors benefit Americans in every State in the Union. The Supreme Court Historical Society operates a Summer Institute for Teachers, with brings teachers from across the nation to Washington to study the Supreme Court and the Constitution first hand. This particular program helps to improve public school education about the role and importance of the Court in our Government.

The Supreme Court Historical Society collects antiques and historical artifacts for the use of the Court Curator’s educational displays at the Supreme Court Building. There are still many artifacts and antiques that would preserve the precious history of the Court that the Society lacks the funds to acquire.

The Supreme Court Historical Society also holds public lectures at the Supreme Court Building and around the country which usually feature current Justices on the Supreme Court and other important leaders in constitutional and legal scholarship.

The Chief Justice John Marshall Commemorative Coin Act will allow for 400,000 coins bearing the likeness of the Great Chief Justice, John Marshall, in 2005, with a surcharge of \$10 per coin. The sale of these coins has the capability to produce nearly \$4,000,000 in direct support of the Supreme Court Historical Society’s programs and functions.

Furthermore, I put a provision in this bill to ensure that there is no net